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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/755,488

01/05/2001

Roger P. Hoffman

P/2-87

5105

7590  
Philip M. Weiss, Esq.  
Weiss & Weiss  
Suite 251  
300 Old Country Road  
Mineola, NY 11501

10/09/2007

EXAMINER

ROSEN, NICHOLAS D

ART UNIT

PAPER NUMBER

3625

MAIL DATE

DELIVERY MODE

10/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Interview Summary

Application No.

09/755,488

Applicant(s)

HOFFMAN, ROGER P.

Examiner

Nicholas D. Rosen

Art Unit

3625

All participants (applicant, applicant's representative, PTO personnel):

(1) Nicholas D. Rosen.

(3) \_\_\_\_\_.

(2) Philip Weiss.

(4) \_\_\_\_\_.

Date of Interview: 01 October 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: Baatz and "Western Energy".

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

*Nicholas D. Rosen*  
NICHOLAS D. ROSEN  
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Weiss called Examiner Rosen to question the finality of the most recent rejection, and to say that he did not have a copy of an anonymous article relied on. Examiner Rosen said that he would look into these matters, and call back in the afternoon. Examiner Rosen did so, saying that the rejection of May 2007 was properly final because it repeated the prior art rejections of the December 2006 rejection (which had been non-final). he also offered to fax Mr. Weiss a copy of the anonymous "Western Energy" article. Mr. Weiss disputed the combination of references applied, saying that the teaching taken from "Western Energy" was contrary to the teaching of Baatz. Examiner Rosen defended the combination, and finally offered to ask his supervisor's opinion. Examiner Rosen faxed the "Western Energy" article to Mr. Weiss, and called again to say that he had discussed the rejection with his supervisor, who thought that it was sound.